

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.759/2002

New Delhi, this 20th day of August, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Shri M.P. Singh, Member(A)

Lal Rikhuma Saila
E-7, DA Flats
Model Town-I, Delhi-9

.. Applicant

(By Shri Yogesh Sharma, Advocate)

versus

Govt. of NCT of Delhi, through

1. Chief Secretary
New Secretariat, Delhi
2. Joint Secretary (Education)
Old Secretariat, Delhi
3. Additional Secretary (Education)
Old Secretariat, Delhi
4. Director of Education
Old Secretariat, Delhi

.. Respondents

(By Smt. Avnish Ahlawat, Advocate, through proxy counsel
Shri Mohit Madan)

ORDER(oral)

Shri M.P. Singh, Member(A)

By the present OA applicant seeks directions to the respondents to complete the departmental proceedings pursuant to the charge-sheet issued to him on 2.2.88 within a specific period, with further directions to promote him to the post of Assistant Director on regular basis with all consequential benefits. He has also sought for direction for fixation of his pay since 1985 and to include his name in the seniority list dated 2.7.2001 of Assistant Director/Education Officer.

2. Briefly stated, the applicant has earlier filed OA 1089/1998 impugning the aforesaid charge-sheet dated 2.2.88. After discussing all the averments made by the applicant in that OA as also the reply filed by the respondents and upon hearing the parties, the said OA was

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disposed of vide order dated 22.12.1998 with the observations that the enquiry which has been contemplated be allowed to be completed and the applicant should be considered forthwith for promotion without reference to and without taking into consideration the charges or the pendency of the said enquiry and if he is found fit for promotion, he should be promoted immediately, which would be subject to the review after the conclusion of enquiry and in the light of the findings in the proceedings. In pursuance thereof, applicant was promoted as Assistant Director of Education/Education Officer on ad hoc basis vide order dated 19.7.99 for a period of six months or till such time regular appointment is made whichever was earlier. The grievance of the applicant is that since 30.10.1985 he is getting minimum of his pay i.e. Rs.10,000/- as his pay has not been refixed on the promotional post. Though the respondents vide order dated 29.5.2001 decided to grant him promotion to the post of Education Officer from retrospective date, his name has not been included in the list promoting the officers to that post. The applicant has made several representations to the respondents to complete the department proceedings. pursuant to the charge-sheet dated 2.2.88, no action has been taken by the respondents so far in this regard. Thereafter, applicant filed MA 1883/2001 under Rule 24 of CAT (Procedure) Rules, 1987 which was disposed of by order dated 7.2.2002 with liberty to the applicant to file fresh OA, if so advised. That is how the applicant is before us seeking the aforesaid reliefs.

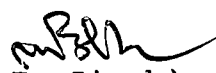
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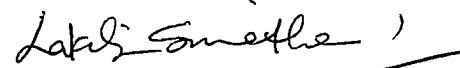
3. We have gone through the reply filed by the respondents but they have not come with any convincing reasons for completing the departmental proceedings even after a lapse of more than 14 years from the date of issue of the charge-sheet. However, they have stated that departmental proceedings against the applicant will be completed within a period of six months subject to the condition that the applicant fully cooperates in the enquiry.

4. We have heard the learned counsel for the parties and considered the pleadings.

5. We are of the considered opinion that ends of justice would be duly met if we dispose of the present OA with the directions to the respondents to complete the departmental proceedings and pass final orders in accordance with law and rules within a period of six months from the date of receipt of a copy of this order, with a stipulation that if the enquiry is not completed within a period of 6 months and the applicant not being responsible for delay, the same shall be deemed to have been dropped/abated. In that event the applicant shall be considered for regular promotion to the next higher grade(s) from the date his so-called juniors were promoted in accordance with the Rules. The applicant shall also be entitled for all consequential benefits as a result of such promotions. We do so accordingly.

6. The OA is disposed of in the aforesaid terms. There shall be no order as to costs.


(M.P. Singh)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)